

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LASHAWN BAREFIELD,

Plaintiff,

v.

**CALIFORNIA STATE UNIVERSITY
BAKERSFIELD,**

Defendant.

CIV-F-05-0633 AWI TAG

**ORDER VACATING HEARING
DATE OF JANUARY 9, 2006**

Defendant CSU Bakersfield has noticed for hearing and decision a motion to dismiss the complaint for failure to state a claims upon which relief can be granted and for lack of subject matter jurisdiction. Docs. 35 and 36. The matter was scheduled for oral argument on January 9, 2006. Plaintiff Barefield has filed an opposition. Doc. 38. Defendant CSU Bakersfield has filed a reply. Doc. 39. The court has reviewed the papers filed and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of January 9, 2006, is VACATED, and no party shall appear at that time. As of January 9, 2006, the court will take the matter under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: January 4, 2006
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE